



Approved for Distribution
/s/Beverly R. Cameron

MEMORANDUM

TO: City Council

FROM: Kathleen Dooley, City Attorney *KD*

DATE: July 12, 2011

RE: Appointment of Assistant City Attorney

ISSUE:

Shall City Council appoint Robert T. Eckstrom as Assistant City Attorney?

RECOMMENDATION:

Yes. Mr. Eckstrom is well-qualified for the job. I recommend him for appointment.

BACKGROUND:

The Fiscal 2012 budget substitutes a full-time position of Assistant City Attorney for the former full-time position of Legal Secretary, in the City Attorney's office. The position was funded as a part-time paralegal position during FY 2011. *City Code §2-244 provides that the City Council is the appointing authority for the assistant city attorney, who is an officer of the city, and who serves at the pleasure of the Council.*

Mr. Eckstrom is the effective "incumbent" for this new position. He was a summer intern for the City Attorney's office in summer 2009. He began work in the part-time paralegal position in August 2010, after graduating from law school.

Mr. Eckstrom is a 2007 graduate of State University of New York at Geneseo, where he majored in Psychology. He graduated from Washington & Lee Law School in 2010 and passed the Virginia State Bar exam that summer. He is admitted to practice, and is eligible to appear before all the courts of the Commonwealth of Virginia, effective June 2011.

The job description is attached for your reference.

FISCAL IMPACT:

This position was funded at a salary of \$55,000 in the FY 2012 budget.

**CITY OF FREDERICKSBURG
CLASS DESCRIPTION**

POSITION TITLE: ASSISTANT CITY ATTORNEY

GENERAL DESCRIPTION OF DUTIES

This person performs professional legal work advising City staff with respect to the local, state, and federal laws that affect City operations, under the direct supervision of the City Attorney. Work involves performing legal research in the preparation of ordinances and resolutions; preparing legal memoranda, deeds, leases, agreements and contracts; and appearing in court as necessary. Employee must exercise considerable initiative and independent judgment in determining the proper course of action in a variety of legal cases and situations. Employee must also exercise tact, courtesy and discretion in frequent contact with public officials, judicial officials, City employees, members of the bar, and the general public. This person is also responsible for performing the paralegal and administrative functions of the office. Performs related work as required.

SPECIFIC DUTIES AND RESPONSIBILITIES

EXAMPLES OF ESSENTIAL FUNCTIONS

The list of essential functions, as outlined herein, is intended to be representative of the tasks performed within this classification. It is not necessarily descriptive of any one position in the class. The omission of an essential function does not preclude management from assigning duties not listed herein if such functions are a logical assignment to the position.

Per City Code §2-244 this person shall perform such of the duties imposed upon the city attorney and to render such assistance to the city attorney as may be required by the city attorney or the city council.

Responds to requests from and providing information, legal advice and counsel to public officials and public employees.

Performs legal research and prepares memoranda of law pertaining to assigned projects; drafts ordinances, resolutions, deeds, leases, and agreements for municipal transactions.

Participates in civil litigation handled by the City Attorney's office at the trial and appellate levels; drafts pleadings, discovery requests and responses, motions, memoranda of law, and orders.

Maintains current knowledge of trends, legal issues and rulings, court opinions, legal procedures, new State and local laws, etc.

Performs the duties of the Paralegal for the City Attorney's Office (see job description dated June 2010).

MARGINAL FUNCTIONS

While the following tasks are necessary for the work of the unit, they are not an essential part of the purpose of this position and may also be performed by other unit members.

Performs related duties as required.

ASSISTANT CITY ATTORNEY

MINIMUM TRAINING AND EXPERIENCE

Juris Doctorate degree from an accredited law school.

SPECIAL REQUIREMENTS

License to practice law in the Commonwealth of Virginia.

The position of Assistant City Attorney is designated as an "officer" of the City of Fredericksburg by City Code §2-111(8). The City Council is the appointing authority per City Code §2-244, and the term of office shall be at will, at the pleasure of the governing body per City Code §§2-244 and 2-112. This position is exempt from the coverage of the Grievance Policy per §7.4 of the Human Resources Manual, §7.4.1.

Must take the oath of office per City Code §2-114.

Must perform duties consistently with the Virginia Rules of Professional Conduct and the Principles of Professionalism for Virginia Lawyers.

PERFORMANCE APTITUDES

Data Utilization: Requires the ability to synthesize, hypothesize, and/or theorize concerning data and/or information involving modification of existing policies, strategies and/or methods to meet unique or unusual conditions. Requires the ability to do so within the context of existing organizational theories and management principles.

Human Interaction: Requires the ability to apply principles of persuasion and/or influence.

Equipment, Machinery, Tools, and Materials Utilization: Requires the ability to operate varied office equipment.

Verbal Aptitude: Requires the ability to utilize a variety of advisory and reference data such as laws, statutes, regulations, administrative opinions, legal rulings, case summaries, depositions, and court opinions, etc.

Mathematical Aptitude: Requires the ability to perform mathematical operations involving basic algebraic principles and formulas, and basic geometric principles and calculations, to prepare statistical information.

Functional Reasoning: Requires the ability to apply principles of influence systems, such as motivation, incentive, and leadership. Ability to exercise independent judgment to apply facts and principles for developing approaches and techniques to problem resolution.

Situational Reasoning: Requires the ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against sensory, judgmental, or subjective criteria, as opposed to that which is clearly measurable or verifiable.

ADA COMPLIANCE

Physical Ability: Tasks involve the ability to exert moderate physical effort in light work, typically involving some combination of stooping, kneeling, crouching and crawling, and which may involve lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (12-20 pounds).

Dexterity: Requires the ability to perform skilled coordinated movements, such as operating varied office equipment.

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Sensory Requirements: Some tasks require the ability to perceive and discriminate sounds. Some tasks require oral communications ability. Some tasks require visual perception and discrimination.

Environmental Factors: None.

PERFORMANCE INDICATORS

The work performance of non- supervisory personnel of City of Fredericksburg is routinely evaluated according to the performance criteria outlined herein:

Knowledge of Work: Has considerable knowledge of the proceedings, practices, policies, rules and regulations of the practice of municipal law. Has considerable knowledge of all Commonwealth and local laws, codes and ordinances pertaining to the specific duties and responsibilities of the position. Has considerable knowledge of legal research and investigation methodology, and is able to perform comprehensive legal research. Has considerable knowledge of the structure and operation of the judicial system. Has considerable knowledge of statutory provisions applying to rules of order. Has considerable knowledge of judicial procedure. Has considerable knowledge of the current literature, trends and developments in the field of municipal law, including court decisions and pertinent legislation. Is skilled in legal writing. Is skilled in verbal and written communications, interpersonal interactions, and legal argument. Is able to effectively interview public officials, state agency staff and the general public. Is able to use common office computers, including the personal computer, printer, scanner, and fax machine. Is able to interpret and apply laws and court decisions, and to use legal source material in technical research. Is able to prepare and maintain complex legal records. Is able to exercise considerable initiative and independent judgment in all phases of work. Is able to exercise tact, courtesy, firmness and discretion in frequent contact with local public officials, attorneys, and the general public. Is able to establish and maintain effective working relationships as necessitated by work assignments.

Quality of Work: Maintains high standards of accuracy in performing duties and responsibilities. Exercises immediate remedial action to correct any quality deficiencies that occur in areas of responsibility. Maintains quality communication and interaction with intra- and interdepartmental personnel, and any external entities with whom position interacts.

Quantity of Work: Performs described Essential Functions and related assignments efficiently and effectively in a manner to produce a quantity of work which consistently meets established standards and expectations.

Dependability: Assumes responsibility for completion of assigned functions. Completes assigned work within established deadlines in accordance with directives, policies, standards, and prescribed procedures. Maintains accountability for assigned responsibilities in the technical, human and conceptual areas.

Attendance: Attends and remains at work regularly and adheres to policies and procedures regarding absenteeism and tardiness. Provides sufficient notice to upper management with respect to vacation time and leave requests.

Initiative and Enthusiasm: Exhibits an enthusiastic, self-reliant and self-starting approach to meet job responsibilities and accountabilities. Strives to anticipate work to be accomplished, and initiates appropriate and acceptable action for the completion of work with a minimum of supervision and instruction.

Judgment: Exercises analytical judgment in areas of responsibility. Identifies issues or situations as they occur and specifies decision objectives. Identifies or assists in identification of alternative solutions to issues or situations. Implements decisions in accordance with prescribed and effective policies and procedures and with a minimum of errors. Seeks expert or experienced advisement where appropriate, and researches issues, situations, and alternatives prior to exercising judgment.

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Cooperation: Accepts supervisory and managerial instruction and direction, and strives to meet the goals and objectives of same. Questions such instruction and direction when clarification of results or consequences is justified, i.e., poor communications, variance with established policies and procedures, etc. Offers suggestions and recommendations to encourage and improve cooperation both intra- and interdepartmentally.

Relationships with Others: Shares knowledge with managers, supervisors and co-workers for mutual benefit. Contributes to maintaining high morale among all employees. Develops and maintains cooperative and courteous relationships both intra- and interdepartmentally, and with external entities with whom position interacts. Tactfully and effectively handles requests, suggestions, and complaints in order to establish and maintain good will. Emphasizes the importance of maintaining a positive image.

Coordination of Work: Plans and organizes daily work routine. Establishes priorities for the completion of work in accordance with sound time-management methodology. Avoids duplication of effort. Estimates expected time of completion for work elements, and establishes a personal schedule accordingly. Attends required meetings, planning sessions and discussions on time. Implements work activity in accordance with priorities and estimated schedules.

Safety and Housekeeping: Adheres to all established safety and housekeeping standards, to include regulatory entities. Ensures such standards are not violated.

Employee's Signature

Supervisor's Signature

Date

Date

The City of Fredericksburg is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City of Fredericksburg will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.